

**CITY OF SEATTLE**  
**ORDINANCE** \_\_\_\_\_  
**COUNCIL BILL** 118275

AN ORDINANCE relating to the City Light Department, authorizing the General Manager and Chief Executive Officer to purchase an easement from the Corporation of the Catholic Archbishop of Seattle for the relocation of the City Light Department's overhead electric lines within Northeast 195<sup>th</sup> Street in the City of Shoreline; and authorizing payment of fair market value to the Corporation of the Catholic Archbishop of Seattle for the easement.

WHEREAS, the City of Shoreline is undertaking a trail improvement project within Northeast 195<sup>th</sup> Street between 1<sup>st</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast; and

WHEREAS, the City Light Department ("City Light") operates overhead transmission poles and wires, along with overhead distribution wires and cross arms, within Northeast 195<sup>th</sup> Street between 1<sup>st</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast in the City of Shoreline, which must be relocated to the northerly margin of Northeast 195<sup>th</sup> Street to accommodate the City of Shoreline's project; and

WHEREAS, the franchise agreement between The City of Seattle and the City of Shoreline requires The City of Seattle to relocate its electrical equipment at City expense to accommodate the City of Shoreline's project; and

WHEREAS, the relocation of City Light's overhead transmission poles will result in City Light's distribution wires and cross arms occupying airspace above the Corporation of the Catholic Archbishop of Seattle's property, commonly known as Holyrood Cemetery, by a distance of less than five feet; and

WHEREAS, The City of Seattle must obtain an easement when it uses private property for electric utility purposes; and

WHEREAS, the Corporation of the Catholic Archbishop of Seattle has agreed to grant The City of Seattle an easement to occupy air space above its cemetery property and City Light has agreed to pay \$7,620 for that easement; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

1           Section 1. The General Manager and Chief Executive Officer of the City Light  
2 Department or his designee is authorized to purchase an easement for electric utility purposes on  
3 behalf of The City of Seattle over the following described real property:  
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5           The south 35 feet of the southeast quarter of the northwest quarter of section 5, township  
6 26 north, range 4 east, W.M., except those portions lying within Northeast 195<sup>th</sup> Street,  
1<sup>st</sup> Avenue Northeast, and 5<sup>th</sup> Avenue Northeast.

7 The Easement will be substantially the form as shown in Attachment 1 hereto.

8           Section 2. The City Light Department is authorized to pay the Corporation of the  
9 Catholic Archbishop of Seattle \$7,620 for the easement.  
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11           Section 3. The easement conveyed in Section 1 is placed under the jurisdiction of the  
12 City Light Department.

13           Section 4. This ordinance shall take effect and be in force 30 days after its approval by  
14 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
15 shall take effect as provided by Seattle Municipal Code Section 1.04.020.  
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1 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2014, and signed by  
2 me in open session in authentication of its passage this  
3 \_\_\_\_ day of \_\_\_\_\_, 2014.

4  
5 \_\_\_\_\_  
6 President \_\_\_\_\_ of the City Council

7  
8 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

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10 \_\_\_\_\_  
11 Edward B. Murray, Mayor

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13 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

14  
15 \_\_\_\_\_  
16 Monica Martinez Simmons, City Clerk

17 (Seal)

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21  
22 Attachment 1: Easement

John Bresnahan  
SCL Seattle Archdiocese Easement ORD ATT 1  
October 13, 2014  
Version #1

Attachment 1

*When recorded, return to:*

SEATTLE CITY LIGHT  
Real Estate Services  
700 Fifth Avenue, SMT 3338  
P.O. Box 34023  
Seattle, WA 98124-4023

EASEMENT- (Overhead Electric)

Reference #: 260405-2-030

C/F #:

Grantor: Corporation of the Catholic Archbishop of Seattle

Short Legal: Ptn. SE-NW-5-26N-4E

Tax Parcel #: 052604-9004

THIS EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 2014, between THE CORPORATION OF THE CATHOLIC ARCHBISHOP OF SEATTLE, a Washington non-profit corporation sole, hereinafter called the Grantor; and the CITY OF SEATTLE, a Washington municipal corporation, acting by and through its CITY LIGHT DEPARTMENT, hereinafter called the Grantee; WITNESSETH:

That the Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt and sufficiency of which is hereby acknowledged, hereby grants to the Grantee, its successors and assigns, the right, privilege and authority (an "Easement") to install, construct, improve, remove, alter, repair, energize, operate and maintain overhead electric distribution facilities, which may consist of, but are not limited to: braces, crossarms, overhead wires and other appurtenances necessary to make said overhead facilities ("Facilities") an integrated electric system. Said Easement shall be located above, over, across, and through the following described real property ("Property") situated in the County of King, State of Washington:

**THE SOUTH 35 FEET OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 26 NORTH, RANGE 4 EAST, W.M.; EXCEPT THOSE PORTIONS LYING WITHIN NORTHEAST 195<sup>TH</sup> STREET, 1<sup>ST</sup> AVENUE NORTHEAST, AND 5<sup>TH</sup> AVENUE NORTHEAST.**

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Together with the right at all times to the Grantee, its successors and assigns, of ingress to and egress from the Easement Area across and through the Property of the Grantor for the purposes set forth herein.

Also the right at all times to the Grantee, its successors and assigns, to cut and trim brush, trees or other plants standing or growing upon the Easement Area, which, in the opinion of Grantee, interfere with the maintenance or operation of, or constitute a menace or danger to, the Facilities.

The Grantor, its heirs, executors, administrators, successors and assigns, hereby covenants and agrees that no structure, building, or fire hazard will be erected or permitted to remain within the Easement Area, and that no blasting or discharge of any explosives will be permitted within fifty (50) feet of the Facilities.

The City of Seattle shall be responsible, as provided by law, for any damage to the Grantors through its negligence in the construction, maintenance and operation of its Facilities.

The rights, title, privileges and authority hereby granted shall continue and be in force until such time as the Grantee or its assigns shall permanently remove all of its Facilities from the Property or shall permanently abandon said Facilities, at which time all such rights, title, privileges and authority shall terminate.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

**GRANTOR:**

THE CORPORATION OF THE CATHOLIC ARCHBISHOP OF SEATTLE,  
a Washington non-profit corporation sole

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_ (title)

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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me personally appeared \_\_\_\_\_ (print name), to me known to be the \_\_\_\_\_ (title) of THE CORPORATION OF THE CATHOLIC ARCHBISHOP OF SEATTLE, the corporation that executed the within and foregoing instrument, and acknowledged that said instrument was the free and voluntary act and deed of THE CORPORATION OF THE CATHOLIC ARCHBISHOP OF SEATTLE for the uses and purposes therein mentioned, and on oath stated that \_\_\_\_\_ was authorized to execute said instrument on behalf of THE CORPORATION OF THE CATHOLIC ARCHBISHOP OF SEATTLE.

GIVEN under my hand and official seal hereto affixed the day and year in this certificate first above written.

(Notary seal)

\_\_\_\_\_  
(Signature of Notary)

\_\_\_\_\_  
(Print name of Notary)

NOTARY PUBLIC in and for the State of  
Washington,

Residing at \_\_\_\_\_

My appointment expires \_\_\_\_\_

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle City Light	Michael Jones / 684-3243	Greg Shiring / 386-4085

**Legislation Title:**

AN ORDINANCE relating to the City Light Department, authorizing the General Manager and Chief Executive Officer to purchase an easement from the Corporation of the Catholic Archbishop of Seattle for the relocation of the City Light Department's overhead electric lines within Northeast 195<sup>th</sup> Street in the City of Shoreline; and authorizing payment of fair market value to the Corporation of the Catholic Archbishop of Seattle for the easement.

**Summary of the Legislation:**

This legislation authorizes the City Light Department to purchase an easement from the Corporation of the Catholic Archbishop of Seattle and authorizes the payment of fair market value for the easement.

**Background:**

The City of Shoreline is undertaking a trail improvement project within the Northeast 195<sup>th</sup> Street road right-of-way between 1<sup>st</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast in Shoreline. City Light operates a 115 kV overhead transmission line on poles along this street, as well as distribution feeder lines on crossarms below the transmission lines.

In order to meet clearance requirements for the trail, City Light must relocate its transmission poles approximately five feet north, to the northerly margin of Northeast 195<sup>th</sup> Street. This will result in City Light's distribution crossarms and wires overhanging a portion of the property belonging to the Corporation of the Catholic Archbishop of Seattle, commonly known as Holyrood Cemetery.

The franchise agreement between The City of Seattle and the City of Shoreline requires The City of Seattle to relocate its electrical equipment at City expense to accommodate the City of Shoreline's project.

The City of Seattle must obtain an easement when it uses private property for electric utility purposes. The Archdiocese has agreed to grant The City of Seattle the necessary easement and to accept \$7,620 for this easement.

  X   This legislation does not have any financial implications.

Financial Implication Notes: This easement will be paid for from appropriated funds.

**Other Implications:**

- a) Does the legislation have indirect financial implications, or long-term implications?  
No.
- b) What is the financial cost of not implementing the legislation?  
None.
- c) Does this legislation affect any departments besides the originating department?  
No.
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?  
None.
- e) Is a public hearing required for this legislation?  
No.
- f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?  
No.
- g) Does this legislation affect a piece of property?  
Yes. A map is provided as Attachment 1.
- h) Other Issues:  
None.

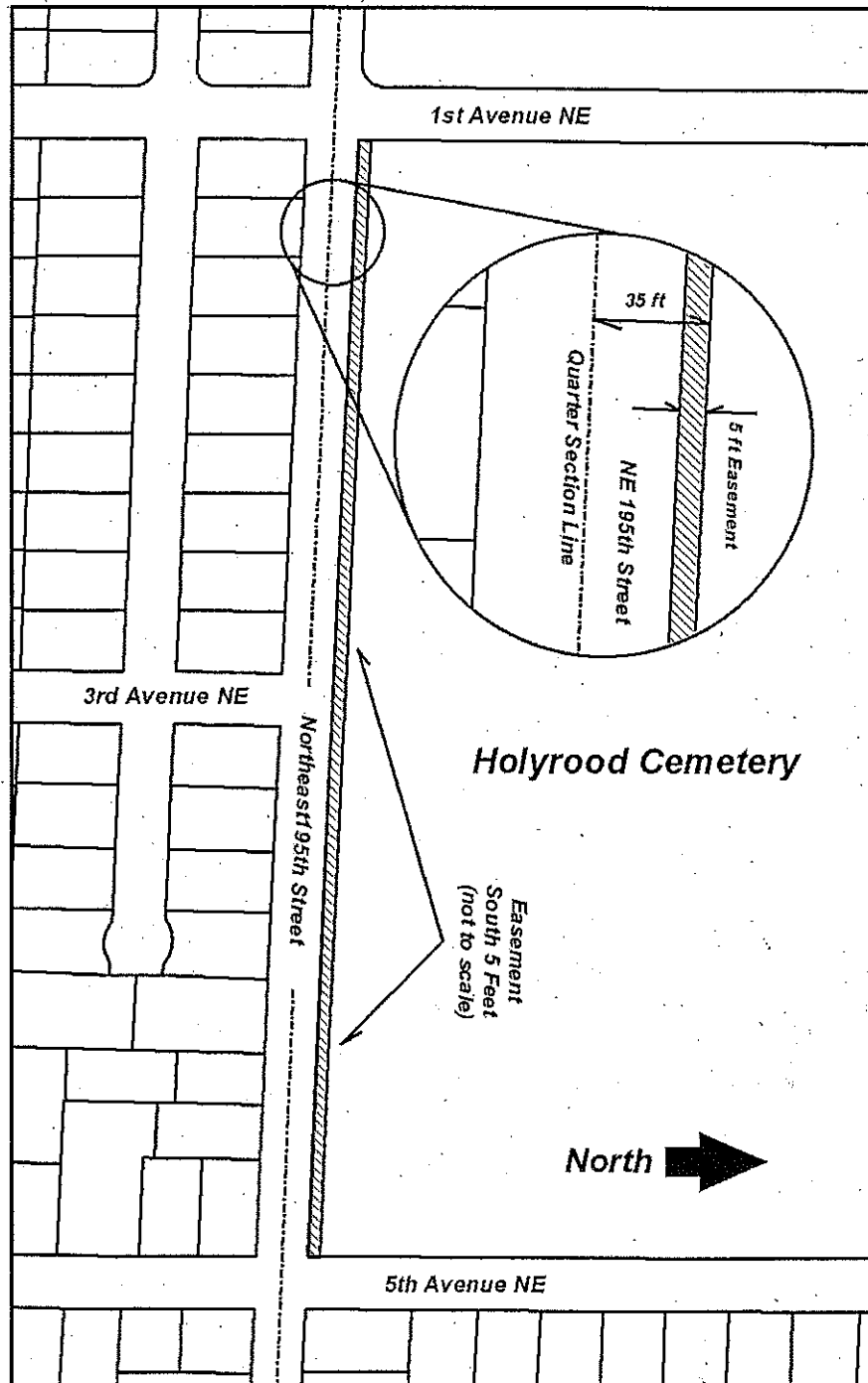
**List attachments to the fiscal note below:**

Attachment 1: Map of the Easement Area



Attachment 1

Map of Easement  
Corporation of the Catholic Archbishop of Seattle





**City of Seattle**  
**Edward B. Murray**  
**Mayor**

November 10, 2014

Honorable Tim Burgess  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

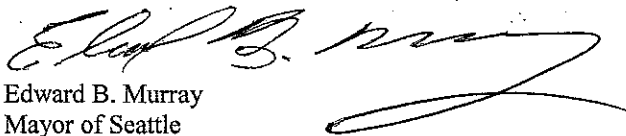
Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that will authorize Seattle City Light to purchase an easement from the Corporation of the Catholic Archbishop of Seattle (the "Archdiocese") and to pay the fair market value for the easement.

The City of Shoreline is undertaking a trail improvement project on Northeast 195<sup>th</sup> Street between 1<sup>st</sup> Avenue Northeast and 5<sup>th</sup> Avenue Northeast. City Light operates a 115 kV transmission line and distribution feeder lines along this street. City Light will need to relocate its transmission poles approximately five feet to the north to accommodate the City of Shoreline's trail project. City Light will need to acquire an easement for overhead lines across the Archdiocese's property, the Holyrood Cemetery, to complete this move.

The Archdiocese has agreed to grant the City of Seattle an easement to allow the transmission and distribution lines to be moved. The negotiated fair market value of the easement is \$7,620. This move will allow the City of Shoreline to complete its trail improvement project. Thank you for your consideration of this legislation. Should you have questions, please contact Michael Jones at 684-3243.

Sincerely,



Edward B. Murray  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council